

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

AUG 6 2007

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY Sh. A. DEPUTY

KEVIN J. MERRITT a/k/a EDWARD A. )  
URBANSKI, JR., )

Plaintiff, )

vs. )

RYAN STARK et al., )

Defendants. )

No. CIV-06-1427-W

**ORDER**

On July 13, 2007, United States Magistrate Judge Robert E. Bacharach issued his findings and recommendations with regard to the Motion to Dismiss [Doc. 120] filed by Correctional Healthcare Management, Inc. ("CHMI"), and the Motion to Dismiss [Doc. 176] filed by William Citty. The parties were advised of their right to object to Magistrate Judge Bacharach's Report and Recommendation, but no objections were filed within the allotted time.


Plaintiff Kevin J. Merritt a/k/a Edward A. Urbanski, Jr., named CHMI and Citty as defendants in his third amended complaint, and the instant motions challenge that pleading. Merritt however did not name these two parties as defendants in his fourth amended complaint filed on July 12, 2007.

Because an amended complaint supersedes the complaint it modifies, the Court, upon review of the record, concurs with Magistrate Judge Bacharach's suggested disposition of these two motions. Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 213] filed on July 13, 2007;  
and

(2) deems MOOT the Motion to Dismiss [Doc. 120] filed by CHMI on March 28, 2007, as well as the Motion to Dismiss [Doc. 176] filed by Citty on May 1, 2007.

ENTERED this 6<sup>th</sup> day of August, 2007.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE